HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 2926 OF 2006.

PETITIONER : Pawan Kumar Dewangan, son of Shri Madan Ayed, Aged about 40 years, resident of village Karnod, P.S. Jaijaipur, Tahsil Champa, District Janjgir-Champa (Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh through – the Secretary, Department of Panchayat and Rural Finance Department, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)
2. Collector, Distt. Janjgir-Champa (Chhattisgarh)
3. Tahsildar, Champa, Distt. Janjgir-Champa (Chhattisgarh)
4. Gram Panchayat – Karbod, through – its Sarpanch, Tahsil Champa, District Janjgir-Champa (Chhattisgarh)

Present : Shri K.M. Pawar, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State/respondents.

(ORAL ORDER)
(Passed on 4th July, 2006)

In this writ petition the notice of eviction dated 08.02.2006 has been assailed. The impugned notice has been issued by the Naib Tahsildar, Champa in pursuance of his earlier order directing eviction of the petitioner. That is what Annexure-P/1 notice dated 08.02.2006 reflects. In the course of the hearing, the Court pointedly asked the learned counsel for the petitioner whether the main order made by the Naib Tahsildar in pursuance of which the impugned notice has been issued, has been

questioned in an appeal before the statutory authorities, learned counsel would tell the Court that no such appeal has been filed. If that is so, the present writ petition should be treated as a misconceived writ petition. Without challenging the main order, the petitioner cannot challenge the notice issued by the Naib Tahsildar in pursuance of the main order. The impugned notice is a consequential step to be taken by the Tahsildar and no exception could be taken to such a step. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Bini